

City of Somerville  
Licensing Commission

**Regular Meeting by Remote Participation**

**DRAFT OF THE**  
**Minutes of the Regular Meeting**  
**Monday, May 17, 2021, 2021**  
**Posted Thursday, August 5, 2021, 2021 at 9:45**

*The meeting was called to order at 6:02pm. Present were Commissioners, Lynch, and Allen, Capt. Dennis Sullivan of the Fire Dept., Lt. Timothy Mitsakis of the Police Dept., Secretary to the Commission Lori Batzek, City Clerk, John Long, Members of the City Staff, Applicants and members of the public.*  
*The meeting adjourned at 8:47pm*

*A recording of this meeting is available online*

Monday  
May 17, 2021  
6:00pm  
Published on May 12, 2021 at 7:30 PM  
Published on May 17, 2021 at 4:00PM  
CORRECTION Published on May 17, 2021 at 7:20pm

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone's Declaration of Emergency, dated March 15, 2020, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/1620777311277668107>.

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to [ljbatzek@somervillema.gov](mailto:ljbatzek@somervillema.gov). Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

**COMMUNICATIONS**

**Continued from 3/15/21 Regular Licensing Commission Meeting,**  
**And 4/26/21 Special Licensng Commission Meeting**

1. Status of Communication from Chairman Lynch dated 2/16/21, Urging the Commission to review its Rules and Regulations and prepare a timeline to produce any proposed amendments. This communication was placed on the February 22, 2021 Agenda

**The Commission continued this communication to the June 21, 2021 Licensing Commission Meeting**

- 1a. Minutes of the Regular Licensing Commission Meeting from 3/15/21

*The Commission approved these minutes*

- 1b. Minutes of the Special Licensing Commission Meeting from 3/18/21

*The Commission approved these minutes*

- 1c. Minutes of the Special Licensing Commission Meeting from 4/5/21

*The Commission approved these minutes*

- 1d. Minutes of the Regular Licensing Commission Meeting from 4/12/21

*The Commission approved these minutes*

2. Commissioner Allen proposing the removal of Section 4.

**The Commission continued this communication to the June 21, 2021 Licensing Commission Meeting**

3. Commissioner Allen proposing language to update Section 1.12.b to explicitly not apply to breastfeeding.

**The Commission continued this communication to the June 21, 2021 Licensing Commission Meeting**

4. **Somerville to Move into Modified Phase 4, Step 1 Reopening on May 7**

With more residents and employees able to be vaccinated and a recent decrease in COVID-19 cases, Somerville will move into a modified Phase 4, Step 1 of the State's reopening plan starting on Friday, May 7.

**What will change in Somerville starting May 7:**

- With any additional guidance noted below, all businesses in categories included through the State's Phase 4, Step 1 as well as houses of worship will be allowed to operate at up to 50% capacity with social distancing and with all [sector-specific guidelines](#) followed.
- Included in the above are movie theaters and bingo halls, previously closed in Somerville.

- Event capacity limits at private residences will remain at 10 people indoors and will increase to 25 people outdoors.
- Event capacity limits at public event venues or spaces will increase to 100 people indoors and 150 people outdoors with approved safety plans for social distancing, masking guidance, and other safety protocols.
- Singing (while masked) and woodwind/brass instrument performances will be allowed outdoors. As per State guidance, greater distancing requirements are required for wind and brass instruments and singing performances including at least 10 feet between performers and performers must be 25 feet from the audience for these performance categories.
- Indoor performances, subject to the 50% business capacity limits or event gathering limits above, will be allowed for all performance types except for singing and woodwind and brass instruments, which remain prohibited indoors until further notice.
- With the approval of the Somerville Licensing Commission, restaurants and bars or breweries can partner to offer outdoor dining with alcoholic beverages. All other regulations must be followed.

Businesses and other venues that wish to increase their capacity to the new limits above must submit revised Health and Safety Plans (HASP) to the Inspectional Services Division. If your business is licensed through CitizenServe, please upload a revised HASP under your existing license in CitizenServe at [somervillema.gov/citizenserve](https://www.somervillema.gov/citizenserve). Other businesses and venues should email their revised HASP to [isd@somervillema.gov](mailto:isd@somervillema.gov). For information on how to prepare a HASP visit [www.somervillema.gov/HASP](https://www.somervillema.gov/HASP).

The State is expected to announce additional reopening guidelines this week. The City will review any additional reopening measures to determine which might be adopted in Somerville. The City of Somerville continues to monitor COVID case trends, vaccination rates, and other related data on a daily basis. As more people are vaccinated there is hope for further reopening in the near future. All persons age 16 or older are currently eligible for vaccination. For information on how to schedule an appointment, visit [www.somervillema.gov/vaccine](https://www.somervillema.gov/vaccine) or call the statewide helpline at 2-1-1.

“We are making real progress in Massachusetts on reducing COVID-19 cases, and to keep that momentum going as reopening progresses, I strongly urge everyone to keep up the good work. If we all get the vaccine, wear our facemasks, keep our distance in public, stay home and get tested when feeling ill, and wash our hands frequently, we can keep one another safer as we work to drive down COVID-19 cases and strive for a great summer,” said Doug Kress, Director of Health and Human Services.

*For more information and regular COVID-19 updates, visit [www.somervillema.gov/coronavirus](https://www.somervillema.gov/coronavirus) and sign up for City alerts at [www.somervillema.gov/Alerts](https://www.somervillema.gov/Alerts). Community members are encouraged to sign up for every alert method: phone call, text, email. Also follow [FB.com/SomervilleCity](https://www.facebook.com/SomervilleCity) and [@SomervilleCity](https://twitter.com/SomervilleCity).*

Meghann Ackerman  
Deputy Director of Communications  
City of Somerville  
Pronouns: She/Her  
617-625-6600 ext. 2120 | 857-523-2193

*The Commission made a note of this communication*

## **5. Additional Reopening Steps Go into Effect June 1**

Beginning on Tuesday, June 1, additional reopening steps that allow for expanded athletic activities and indoors performances will go into effect in Somerville. Somerville is joining with Boston in rolling out these reopening steps on a delay from the State schedule. All of the newly allowed activities will be subject to regular City permitting and safety rules and [sector-specific COVID-19 guidelines](#).

### **What changes in Somerville on June 1:**

- Singing and woodwind/brass instrument performances will be allowed indoors. Performers must be at least ten feet apart from each other and 25 feet away from the audience.
- Road races and large athletic events will be allowed.
- Youth and amateur adult tournaments for moderate- and high-risk sports, including baseball, softball, track and field, football, wrestling, and basketball, will be allowed.

The City of Somerville continues to monitor COVID case trends, vaccination rates, and other related data on a daily basis. As more people are vaccinated there is hope for further reopening in the near future. All persons age 16 or older are currently eligible for vaccination. For information on how to schedule an appointment, visit [www.somervillema.gov/vaccine](http://www.somervillema.gov/vaccine) or call the statewide helpline at 2-1-1.

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*The Commission made a note of this communication*

## 6. New Reopening Steps Go into Effect June 1

Additional reopening steps, beyond what was [announced earlier this week](#), will go into effect on Tuesday, June 1. All of the newly allowed activities will be subject to regular City permitting and safety rules and [sector-specific COVID-19 guidelines](#).

### **Additional changes going into effect in Somerville on June 1:**

- Dance floors will be allowed at private events, but facial coverings must be worn and there should be social distancing between households.
- Food and drinks will be allowed with recreational activities, but they must remain in one location. This means, for example, moviegoers can have snacks and drinks at their seats during a screening or bowlers can have food at their lane.

The City of Somerville continues to monitor COVID case trends, vaccination rates, and other related data on a daily basis. As more people are vaccinated there is hope for further reopening in the near future. All persons age 16 or older are currently eligible for vaccination. For information on how to schedule an appointment, visit [www.somervillema.gov/vaccine](http://www.somervillema.gov/vaccine) or call the statewide helpline at 2-1-1.

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*The Commission made a note of this communication*

7.

### **Entertainment Applications**

#### **Continued from 4/26/21 Special Licensing Commission Meeting**

Entertainment			LICENSE #	BUSINESS	ADDRESS	APP. TYPE
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				NAME		
APPL. DATE						
3/20/2021	Special Meeting - 4/26/21		ALM21-000027	Mike's Bar	97 Washington St.	Entertainment by Devices & Performers - Outdoors on Private Property

*Jana Brinkhouse appeared for this application. Ms. Brinkhouse stated she wants to make this a beer patio and will be purchasing beer from Winter Hill Brewing. They will only be open on Saturday's to start. A revised floor plan will be submitted. Food Trucks will be used. Chairman Lynch asked where the food truck approvals came from and if she had documentation for this. Ms. Brinkhouse stated she believed she did and she will be checking with the property owner. Chairman Lynch wanted to know why they were using food trucks when they have a CV license. Ms. Brinkhouse stated they wanted to mimic what the brewery was doing. Chairman Lynch has some concerns about the food truck on the private patio, usually the food is served from the restaurant. Ms. Brinkhouse stated the manager from Winter Hill Brewery spoke with someone in economic development on this issue. Ms. Brinkhouse will find out who he spoke with along with the property owner to see who she spoke with as well. Chairman Lynch states he needs more information about the participants involved and who was spoken to about this matter. He also stated the Licensing Commission does not license food trucks. The the only item that could be approved tonight, is the Entertainment by Devices and Performers – Outdoors on Private Property License. If alcohol is served, food must also be served from the restaurant, unless appropriate authorization has been received. Chairman Lynch also recommended that the establishment be considerate of the noise level.*

*The Commission approved this Entertainment by Devices & Performers – Outdoors on Private Property License*

8.

### Temporary Outdoor Seating

#### Continued from 4/26/21 Special Licensing Commission Meeting

Outdoor Seating			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
APPL. DATE						
4/6/2021	Special Meeting - 4/26/21		ALM21-000034	Rosebud Restaurant, Inc.	381 Summer St.	Outdoor Seating - Requesting permission to share Painted Burro seating space - Private Property

*No one appeared for this application. The Commission continued this application until the June 19, 2021 Licensing Commission Meeting*

9.

**New Entertainment Applications**

NEW ENTERTAINMENT						
Entertainment			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
APPL. DATE						
4/23/2021	Regular Meeting - 5-17-21		ALM21-000044	Gauchao Brazilian Cuisine	102 Broadway	Entertainment by Devices and Performers - Outdoors Private

*Benjamin Argueta could not speak on this matter, due to technical difficulties.*

*The Commission approved this Entertainment by Devices and Performs – Outdoors Private License, pending all City Signoffs. Chairman Lynch requested Benjamin contact the secretary, this week, with any questions pertaining to the required signoffs.*

10.

**NEW Temporary Outdoor Seating**

NEW OUTDOOR SEATING			LICENSE #	BUSINESS NAME	ADDRESS	APP. TYPE
APPL. DATE						
5/10/2021	Regular Meeting - 5-17-21	10a.	ALM21-000052	Ola Café	112 Broadway	Outdoor Seating -Public Property
5/12/2021	Regular Meeting - 5-17-21	10b.	ALM21-000054	Highland Kitchen	150 Highland Ave.	New Outdoor Seating - Moving from Public Parklet to Private Parking Lot

*Ola Café – No one appeared for this application. Thomas Galligani recommended provisional approval of this license, pending all city signoffs*

***The Licensing Commission provisionally approved this Outdoor seating – Public Property License***

***Highland Kitchen – Mr. Romano appeared for this application. He felt that Highland Ave. was a little bit dangerous and he is trying to make this a little safer. Thomas Galligani recommended provisional approval of this license, pending all city signoffs. Chairman Lynch asked about ADA access to the restrooms and requested Mr. Romano check on this with Economic Development***

***The Licensing Commission provisionally approved this Outdoor seating – Private Property License***

11.

**Common Victualler**

Building Operations, LLC  
d/b/a Visiting Nurses Association  
186 Highland Ave.  
Brian Bishop  
Hours of Operation: 7 Days a week, 3 Times per Day  
(AL21-000013)

***No one appeared for this application. The Commission continued this application until the June 19, 2021 Licensing Commission Meeting***

12.

**Common Victualler**

Highland Pizza  
22 Highland Ave.  
Asim Azam  
Hours of Operation: Days not listed Hours: 9AM – 9PM  
(AL21-000018)

*\*New Owners, Previous Owner: Highland Market Pizza, Inc.*

***No one appeared for this application. The Commission continued this application until the June 19, 2021 Licensing Commission Meeting***

13.

**NEW Common Victualler,**



**Entertainment by Devices Indoors and Outdoor Seating – Private Property**

Sweetgreen Boston, LLC

d/b/a Sweetgreen

345 Assembly Row

Jackly Ruess

Hours of Operation: Sun. – Sat. 10:30AM – 10:00PM

(AL21-000017)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

*Arianna Goldberg appeared for this application. This is a nationwide restaurant. Uses small to medium farms. The music will be piped out from inside.*

*The Commission provisionally approved this Common Victualler, Entertainment by Devices Indoors and Outdoor Seating on Private Property License.*

14.

**EXISTING LICENSE**

**All Forms 7 Day Alcohol License – Assembly Row**

**Change of Officers/Directors/LLC Mangers**

Outback Steakhouse of Florida LLC d/b/a Outback Steakhouse, 625 Grand Union Blvd.  
requesting approval for a Change in LLC Managers:

**FROM:**

David J. Deno – LLC Manger

Joseph J Kadow – LLC Manager

**TO:**

Christopher Meyer – LLC Manager

Kelly Lefferts – LLC Manager

(ALM21-000009)

*Attorney Joseph Devlin appeared for this application. The menu and operations will remain the same. Both managers will be located in the Florida offices.*

*The Commission provisionally approved this Change of LLC Managers*

15.

**EXISTING LICENSE**

**All Forms PRIVATE Package Store License**

**Pledge of License**

DBRC Ventures, LLC d/b/a Proof, 8-10 Main St. requesting approval for a Pledge of License to Winter Hill Bank F.S.B.  
(ALM21-000038)

*David Blumsack appeared for this application. This is a collateral pledge.*

*The Commission approved this Pledge of License.*

16.

**EXISTING LICENSE**

**All Forms 7 Day Alcohol License – Assembly Row**

**Change of Manager**

Ninety Nine Restaurant & Pub, 20 Cummings St. requesting approval for a Change of Manager from Graham Chateaufneuf to Jahaida Marie Lozada Gonzalez  
(ALM21-000043)

*Jahaida Marie Lozada Gonzalez appeared for this application. Ms. Gonzalez has been with this company for 12 years.*

*The Commission approved this Change of Manager*

17.

**NEW 7 Day All Forms Alcohol License – Assembly Row**

**Common Victualler, Entertainment by Devices Indoors,**

**Sunday Hours and Outdoor Seating – Private Property Licenses**

LSF Legal on the Mystic, LLC d/b/a Legal on the Mystic, 301 Great River Road requesting the approval of an ALL Forms 7 Day Alcohol License – Assembly Row, a Common Victualler, Entertainment by Devices Indoors, a Sunday Hours and an Outdoor Seating – Private Property License  
(AL21-000011)

*\*The existing Licensee sold this restaurant to the new owners listed above. Upon license approval, the existing license must be returned.*

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

*An email was sent an email withdrawing Outdoor Seating. Donna Cruz stated a neighboring restaurant got to this space before Legal Seafood could appropriate this (only for the expansion purposes of the Temporary Outdoor Seating). The current outdoor seating will remain.*

*Attorney Trish Farnsworth, Donna Cruz and Charlotte Wirtanen appeared for this application. 23 restaurants were purchased in 5 states. New owners, they own Smith and Walenski's and Strega and are experience. They will be keeping things as is and most of the employees.*

*The Commission approved these 7 Day All Forms Alcohol – Assembly Row, Common Victualler, Entertainment by Devices Indoors, Sunday Hours and Current Permanent Outdoor Seating – Private Property Licenses*

18.

**NEW 7 Day All Forms Alcohol License – Assembly Row**  
**Common Victualler, Entertainment by Devices Indoors,**  
**Sunday Hours and Outdoor Seating Licenses**

PennyandLogan LLC d/b/a Yakitori Totto, 455 Foley St. requesting approval of a NEW 7 Day All Forms Alcohol License – Assembly Row, a Common Victualler, an Entertainment by Devices Indoors, a Sunday Hours and an Outdoor Seating License (AL21-000014)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

*Attorney Nicholas Zozula and Nghi Nguyen appeared for this application. Originally opened about 18 years ago in NY city. This is one of the new buildings at Assembly Row, not finished yet, but expected to be within the next month or so. The restaurant will be 1500 square feet. No tv's just background music. Hours of Operation will be Sun-Thu 11am to 10pm, Fri-Sat 11am to 11pm. Mr. Nguyen has 3 other restaurants with similar hours and concepts, one already at Assembly Row, Totto Ramen. No issues or violations at these restaurants.*

*The Commission approved these 7 Day All Forms Alcohol – Assembly Row, Common Victualler, Entertainment by Devices Indoors and Sunday Hours Licenses. There is NO OUTDOOR Seating (clerical error). An updated agenda was sent and is part of the Video*

19.

**NEW 7 Day Wine and Malt Alcohol License – Assembly Row**  
**Common Victualler, Entertainment by Devices Indoors,**  
**Sunday Hours and Outdoor Seating – Private Property Licenses**

Shake Shack Massachusetts LLC d/b/a Shake Shack, 355 Assembly Row requesting approval of a NEW 7 Day Wine and Malt Alcohol License – Assembly Row, a Common Victualler, an Entertainment by Devices Indoors, a Sunday Hours and an Outdoor Seating – Private Property License  
(AL21-000015)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

*Attorney Mark Vaughn, Jared Schenkel and Zach Cousseifi appeared for this application. The premises is approximately 3000 square feet with 2 outdoor patio's in each corner. They specialize in hamburgers, hotdogs and shakes. They have a restaurant in Woburn and 8 other cities in MA. They have discussed this with Matt MacLaughlan. They would like to open the first week in July. Attorney Vaughn is not aware of any violations. Both Mr. Schenkel and Mr. Cousseifi stated they and all the staff are tips certified.*

*The Commission approved these 7 Day Wine & Malt Alcohol – Assembly Row, Common Victualler, Entertainment by Devices Indoors, Sunday Hours Licenses and Outdoor Seating – Private Property Licenses*

20.

### **MARIJUANA RETAILER LICENSES** **New Marijuana Retailer License**

Nuestra, LLC d/b/a The Boston Garden Dispensary, 518 Somerville Ave. requesting approval for a Group A Priority, NEW Marijuana Retailer License  
Hours of Operation: Mon. – Sat. 9AM - 9PM & Sun. 11PM - 9PM  
(ME21-000001)

This is the Notice of a Public Hearing for this Item. The Public is welcome to attend and be heard.

*Attorney Brandon Kurtzman, Elisa Riviera and Jonathan Tucker appeared for this application. Attorney Kurtzman prepared a brief presentation. A lengthy discussion was held about the premises and vendors of the product. There are 5 vendors. Firearms will not be used per state law. The discussion continued about the various responsibilities of the employees, the floor plan, the camera's and security in the building. Chairman Lynch asked about hiring Somerville residents and he was assured they will be hiring as many Somerville residents as possible. The HCA was executed on April 23<sup>rd</sup>. Miss Riviera signed for Nuestra. Chairman Lynch asked if all the information is consistent for all the applications submitted. He was told they were. A butters notifications, newspaper notices were discussed as well as the participation of the Ward City Councilor. Chairman Lynch had some questions about the*

*ownership of the company and the percentages held. A lengthy discussion was held about how the ownership and control of the company works. They will be submitting this application to the CCC upon Licensing Commission approval. A discussion was held on the CCC procedure of the license approval process. The special permit for the ZBA will be done after the Licensing Commission has approved this application. The community meeting did not meet the requirements of the ZBA and another meeting will need to be held. The community of Somerville was discussed by Elisa Riveira on her hopes for this business. A discussion was also held pertaining to the floor plan. A statement was made, for the record, that the floor plan submitted, is not the final floor plan, and changes will be made as part of the zoning approval process. Chairman Lynch also inquired about the Traffic Study. A statement was made that if this is part of the process, it will be done. Both Chairman Lynch and Charlotte Leis confirmed that a traffic study is part of the zoning process.*

*Various comments were heard on this application.*

*A discussion was held about the community meeting and the abutters notices that were sent. Chairman Lynch stated that the abutter notices are sent to the homeowner and not tenants, which is why the commission like to see multiple AD's for the meetings.*

*The Commission granted Approval conditional on scheduling of a meeting with counselor Scott that is amenable to him and with the requirement that on conclusion of that meeting, if there are any significant issues in councilor Scott's opinion, that have been raised by the community, he provide written documentation to the licensing commission of that for discussion at the next meeting.*

*The following motion was made:*

*I move to grant this, conditional on 2 conditions, the first being the applicant scheduling a meeting with councilor Scott for a second community meeting. On conclusion of said meeting, Councillor Scott shall provide a list of any serious issues raised in the meeting to the Commission, for discussion with the applicant at the next regular meeting. The 2<sup>nd</sup> condition, conditional on 6 months by appointment only, after the issuance of the license. The applicant may appeal to the commission to have this modified, once it has commenced operations.*

